

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: ASBESTOS PRODUCTS

**LIABILITY LITIGATION (NO.VI)
Civil Action No. MDL 875**

EDPA Civil Action No. 2:07-cv-63839-ER

This Document Relates To:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

**BARBARA ANNE ANDERSON,
Plaintiff,**

v.

**ALFA LAVAL, INC., et al.
Defendants.**

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Civil Action No. 3:07-CV-00068-HEH

**PLAINTIFF'S RESPONSE TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Barbara Anne Anderson, by and through undersigned counsel and pursuant to Federal Rules of Civil Procedure 56, hereby files this Response to the Motion for Summary Judgment filed by Defendants Georgia-Pacific LLC, Bondex International, Inc., RPM, Inc. and RPM International (Doc. 67), and joined in by Defendant Union Carbide Corporation (Doc. 68), and states the following in support thereof:

1. Defendants have moved for summary judgment asserting that there are no material facts in dispute and that the Complaint does not assert a viable claim.

2. Contrary to Defendants' assertion, Defendants were on adequate notice of Plaintiffs' claims against them, and Defendants must be estopped from asserting otherwise at this time.

3. Further, as shown in Plaintiff's Opposition Brief, there are genuine issues of material fact regarding Plaintiff's exposure to each Defendant's asbestos or asbestos-containing products, and whether such exposure was a substantial contributing factor in causing her malignant mesothelioma.

4. Accordingly, Plaintiff respectfully requests the Court deny Defendants' Motion for Summary Judgment and allow this case to proceed to trial on the merits.

5. In support of her response, Plaintiff refers this Court to her accompanying brief and supporting exhibits and attachments.

6. In accordance with Local Rule 7.1(f), Plaintiff also respectfully requests oral argument.

Respectfully submitted,

WATERS & KRAUS, LLP

/s/ Melanie J. Garner

Melanie J. Garner

Admitted *Pro Hac Vice*

MD Fed. Bar No.: 28120

315 N. Charles Street

Baltimore, Maryland 21201

(410) 528-1153 (telephone)

(410) 528-1006 (facsimile)

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I, undersigned counsel for Plaintiff, hereby certify that on this 23rd day of March, 2010, I caused a copy of the foregoing document, and any related attachments, to be served on all remaining counsel of record via Electronic Case Filing procedures.

/s/ Melanie J. Garner
Melanie J. Garner